HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24226 of 2006

Dated:22.11.2006

Between:

Kapuganti Prakash.

…Petitioner

and

Govt.of A.P., rep.by Principal Secretary and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24226 of 2006

ORDER:

The petitioner statedly is the owner and possessor of an extent of land admeasuring 1210 square yards (Plot No.3) in Survey No.77/10 situated at Vepagunta Village, Pendurthi Mandal in Visakhapatnam District, which is allegedly purchased from its original owner under a registered sale deed 28.4.1979. Due to financial problems, the petitioner wanted to sell a portion of his land to an extent of 945 square yards and entered into an agreement of sale with one J.Srinivasa Chakravarthi on 06.09.2006. He also received part of the sale consideration and approached the second respondent for registration of the said document. The second respondent refused to receive the same for registration on the ground that there is a ban imposed by the Government to register the documents pertaining to the subject land. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of

the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

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(V.V.S.RAO, J)

22.11.2006
vs